

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DERRICK HAMILTON,

Plaintiff,

v.

**9:10-CV-1066
(MAD/RFT)**

JOSEPH T. SMITH, et. al.,

Defendants.

APPEARANCES:

OF COUNSEL:

DERRICK HAMILTON
175 Diamond Street
New Haven, CT 06515
Plaintiff, Pro Se

HON. ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
The Capitol
Albany, NY 12224
Attorney for Defendant

CATHY Y. SHEEHAN, ESQ.
Assistant Attorney General

MAE A. D'AGOSTINO, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Randolph F. Treece, duly filed on the 23rd day of May 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The defendant's motion for summary judgment and dismissal of plaintiff's complaint is granted.
3. The Clerk is directed to close the case and enter judgment accordingly.
4. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: June 18, 2013
Albany, New York


Mae A. D'Agostino
U.S. District Judge